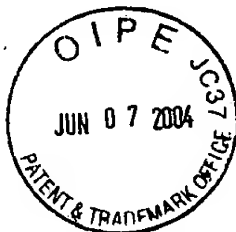


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of : Attny. Docket No.: STROH
Applicant: Leslie STROH :
Serial No.: 09/264,171 : GAU: 3624
Filed: March 5, 1999 : Examiner: Colbert
For: "TRADE FINANCING METHODS,
INSTRUMENTS AND SYSTEMS"
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June 4, 2004

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ELECTION AND
RESPONSE UNDER 35 USC §132 AND 37 CFR §1.111

S I R:

In response to the Office Action dated May 4, 2004, applicant hereby elects Invention Group 1, with traverse. Other matters raised in the Office action are addressed below using the Office's numbering. The formal objections raised having been answered, and being no outstanding rejections of record, favorable consideration and the long overdue allowance of this application are respectfully requested.

#1 - Claims Pending

Applicant agrees that claims 35-80, 82-87, and 92-101 are pending, and in applicant's view are in condition for allowance.

#2 & #6 - Abstract

A new abstract is filed on a separate page herewith. Applicant notes that rule 37 CFR §1.72 regarding same was revised Sept. 8, 2000, eighteen months after the present application was filed, and may not be applicable in its revised form.

#3 - Arguments Not Moot

There are no new grounds of rejection in the latest Office action. Accordingly, applicant's arguments are not moot and should be considered and all pending claims should be allowed. Applicant's response filed February 17, 2004 cogently explained the patentability of applicant's claims over three newly applied references, Tozzoli, Ordish et al. and Odom et al. all of which were made of record several years and many Office actions previously.

#4 - New Examiner

Applicant has duly noted the new examiner. The undersigned is appreciate of the courtesy already extended by Examiner Colbert in discussing procedural matters by telephone. Applicant trusts that Examiner Colbert will, in accordance with customary Patent Office practice, give due weight and recognition to the prior extended prosecution of this application. Applicant has expended a great deal of effort in prosecuting this application and has negotiated with the previous Primary Examiner, detailed claim amendments which were agreed to put the application in condition for allowance, subject only to the final review process which is understood to be unique to this art area. That final review process apparently yielded only the Tozzoli, Ordish et al. and Odom et al. rejection which was fully answered on February 17, 2004. Applicant trusts that any further rejection, should the Office be convinced the such must be made, will be based on genuinely new and substantial issues should such exist which applicant does not believe they do.

#5 - References

Copies of the references cited in this section, other than the Incoterms 1990 reference and the Vienna convention reference were supplied with the information disclosure citation filed June 25, 1999. Owing to difficulties in accessing the undersigned's file regarding same, consequent upon a move of offices in 2003, further copies are not supplied herewith. However the undersigned plans to telephone the Examiner to confirm whether such additional copies are in fact required.

A copy of the Incoterms 1990 reference is filed herewith. The Vienna convention appears to be explained at the following web page:

http://www.interex.be/serv/frame_dynamique.asp?lang=ang&url=/contrats_eng.htm

However applicant neither admits that web page as prior art, nor admits that it is accurate, nor is applicant familiar with the content of same.

#7 - Elections/Restrictions

I. Reconsideration of the restriction requirement is respectfully requested. Base claims 44, 64, 68, 75 and 101 contain all of the limitations of claim 35, therefore relate to the same invention as claim 35 and along with their dependent claims are clearly examinable with claim 35. Claims 82-87 relate to a financial instrument useful in the method of claim 35 and recite many or most of the limitations of claim 35. In view of the closeness of the subject matter, no hardship is seen in examining claims 82-87 along with claim 35. All the claims are believed to relate to a single invention.

II. The restriction requirement is believed to be improper and it is respectfully requested it be withdrawn. This application has already been examined both for unity of invention and patentability. Accordingly, any question of unity of invention is already settled. Amendments were made to the claims in 2003 to comply with possible restriction requirements raised during the extended telephone interview with Primary Examiner Akers conducted in April 2003. Further requirements in this respect are believed untimely and would constitute an unfair burden on applicant.

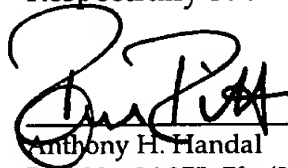
Drawings

A draftperson's report dated August 1, 1999 was received with the outstanding Office action. A eighteen (18) sheets of new formal drawings were in fact filed September 26, 2001. Accordingly, the draftperson's report is moot. If a further copy of the drawings is required, or would be helpful, the Office should feel free to contact the undersigned.

In view of the above submissions, it is respectfully submitted that the instant application, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, she is invited to call the telephone number below for an interview.

Respectfully submitted,

By:



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 4, 2004.



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